

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,)	No. 3:03Cr181
)	
Plaintiff)	
)	
v.)	ORDER
)	
GARY DEAN WHITE,)	
)	
Defendant)	
_____)	

UPON MOTION OF Defendant GARY DEAN WHITE (as requested in Defendant's Supplemental Objections & Revised Notice of Appeal), the Court grants a 60 day extension to and including 5:00 pm, Monday, October 30, 2006, for Defendant to research and gather evidence and FILE A WRITTEN BRIEF WITH EXHIBITS supporting his Motion to Withdraw his Guilty Plea. Based on Defendant's filing, the Court will then determine whether an additional hearing is necessary in this matter or the Court can rule relying on the many existing pleadings already in the record.¹

FURTHERMORE, with agreement of both parties, the Court FINDS that this is NOT a case that should be certified for interlocutory or immediate appeal, assuming that the Defendant has not waived his appellate rights in his plea agreement.²

This Order should not be viewed in any way as suggesting that the Court has decided any

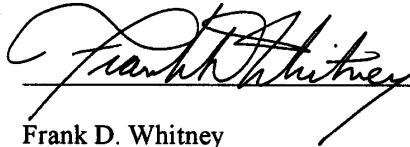
¹The Government should not respond to Defendant's filing unless and until the Court has directed the Government to respond.

²The issue of whether Defendant has waived his appellate rights in his plea agreement (except for issues of ineffective assistance of counsel and prosecutor misconduct) remains undecided.

pending issue, including the timeliness of appeal and objections to the Memorandum and Recommendation or as to the merits of Defendant's motion to withdraw his guilty plea.

IT IS SO ORDERED.

Signed: August 31, 2006


Frank D. Whitney
United States District Judge

